

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**SHAUNA RAAB,**

**Plaintiff,**

**vs.**

**JP MORGAN CHASE & CO.,**

**Defendant.**

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**8:07CV232**

**ORDER OF DISMISSAL**

This matter is before the magistrate judge by consent of the parties. On November 5, 2007, plaintiff's counsel indicated he would be leaving private practice for a corporate counsel job. Plaintiff's counsel failed to appear for a planning conference set for December 6, 2007 and did not respond to the court's messages concerning the scheduling of this case. Consequently, plaintiff's counsel was ordered to show cause by written affidavit, no later than January 30, 2008, why this case should not be immediately dismissed for failure to prosecute and why sanctions should not be imposed against him personally.

Plaintiff's counsel did not file an affidavit as ordered; instead, he faxed a response to chambers (filed by the court at Doc. 16) essentially advising that substitute counsel would enter an appearance within ten days. As of February 21, 2008, no substitute counsel has entered an appearance, plaintiff's counsel has not requested leave to withdraw from the case, and there has been no substantive activity in this case since July 2007, when the parties filed their Rule 26(f) planning conference report. The court finds that this case is not being prosecuted with reasonable diligence.

For these reasons, and pursuant to NECivR 41.1<sup>1</sup>,

**IT IS ORDERED** that this action is dismissed without prejudice for lack of prosecution.

**DATED February 21, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett**

**United States Magistrate Judge**

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<sup>1</sup>NECivR 41.1 provides, in part: "The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence."